

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ABBOTT GMBH & CO., KG, AND  
ABBOTT BIORESEARCH CENTER, INC.,  
AND ABBOTT BIOTECHNOLOGY LTD.,

Plaintiffs,

v.

CENTOCOR ORTHO BIOTECH, INC. AND  
CENTOCOR BIOLOGICS, LLC.,

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Defendant.

Civil Action No. 4:09-cv-11340-FDS

**Jury Trial Demanded**

**JOINT MOTION FOR EXTENSION OF DEADLINE  
TO FILE REPLY CLAIM CONSTRUCTION BRIEFS**

Plaintiffs Abbott GmbH & Co., KG, Abbott Bioresearch Center, Inc. and Abbott Biotechnology Ltd. (collectively, “Abbott”) and Defendants Centocor Ortho Biotech, Inc. and Centocor Biologics, LLC. (collectively, “Centocor”) respectfully seek a ten-day extension of the deadline for simultaneously exchanging and filing reply claim construction briefs, up to and including October 4, 2010.

On March 2, 2010, the Court entered an Initial Scheduling Order that directed the parties to exchange and file simultaneously their preliminary claim construction briefs no later than September 10, 2010, and their reply claim construction briefs no later than September 24, 2010. [Dkt. No. 44.] During a status conference on September 9, 2010, the Court scheduled a claim construction hearing for November 9, 2010. The parties exchanged and filed preliminary claim construction briefs on September 10, 2010. [Dkt. Nos. 81-84.] As part of its filing, Abbott included a supporting witness declaration from Dr. Michael J. Grusby, Ph.D. [Dkt. No. 84.] Centocor has requested to take the deposition of Dr. Grusby on the statements and opinions

expressed in his declaration, for purposes of addressing these statements and opinions in its reply claim construction brief. In order to accommodate this request and the schedule of the witness, the parties respectfully seek a ten-day extension of time up to and including October 4, 2010, to exchange and file simultaneously their reply claim construction briefs. The parties agree that this extension will not affect any other deadlines in the present action.

WHEREFORE, the parties respectfully request that the Court grant this Motion.

DATE: September 17, 2010

Respectfully submitted

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/s/ Dianne B. Elderkin (*with permission*)

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**CERTIFICATE OF SERVICE**

I certify that, on September 17, 2010, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Violetta G. Watson